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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/541,752	03/31/00	RAO	2 48-6001

EXAMINER

HR12/0913

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ART UNIT	PAPER NUMBER
1647	8

DATE MAILED: 09/13/01

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 6/22/01

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 1-45 is/are pending in the application.  
Of the above, claim(s) 1-32, 37-45 is/are withdrawn from consideration.  
☒ Claim(s) 33-36 is/are allowed.  
☐ Claim(s) is/are rejected.  
☐ Claim(s) is/are objected to.  
☒ Claim(s) 1-45 are subject to restriction or election requirement.

#### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.  
☐ The specification is objected to by the Examiner.  
☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.  
☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_  
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☐ Notice of Reference Cited, PTO-892  
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4, 5  
☐ Interview Summary, PTO-413  
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948  
☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

**Part III: Detailed Office Action**

**Restriction Requirement:**

Applicant's election of Invention III, claims 33-36 in paper number 7 filed 6/22/01 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors  
5 in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicants amendments to the claims have obviated the election of species requirement.

10 **Formal Matters:**

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities: The specification is  
15 missing the required cross-references to related applications. Such should appear at the beginning of the specification, following the title.

Appropriate correction is required.

The information disclosure statements submitted 11/3/00 and 12/26/00. The significance of  
20 references A14-A39 cannot be assessed, as no alignment was provided between the cited sequences and SEQ ID NO: 2 of this application.

**Prior Art:**

The prior art made of record and not relied upon is considered pertinent to applicant's  
25 disclosure.

The claims are free of the prior art. It is noted that the protein named zVEGF3 in this application is also known in the art (post-priority date) variously as PDGF-C, VEGF-E, VEGF-R,

Serial Number 09/541752

Art Unit 1647

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LP8, and other names. For example, see WO 00/18212 (cited by applicants) which discloses PDGF-C and antibodies thereto, and WO 99/47677 (cited by applicants), which discloses VEGF-E and antibodies thereto.

**Advisory Information:**

Claims 33-36 are allowable.

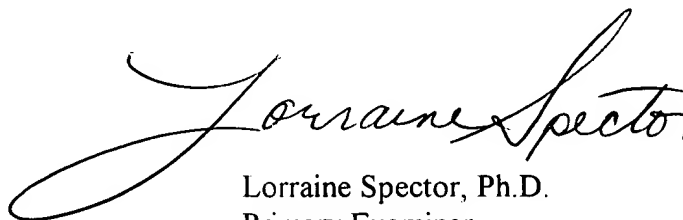
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Lorraine M. Spector, whose telephone number is (703) 308-1793. Dr. Spector can normally be reached Monday through Friday, 9:00 A.M. to 5:30 P.M.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Gary Kunz, can be reached at (703)308-4623.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at telephone number (703) 308-0196.

Certain papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1 (CM1). The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Official papers filed by fax should be directed to (703) 305-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294. **Please** advise the Examiner at the telephone number above when an informal fax is being transmitted.



Lorraine Spector, Ph.D.  
Primary Examiner

LMS  
09/541752.1  
9/10/01